

Appl. No. 10/686,546
Amdt. dated August 17, 2005
Reply to Office Action of July 26, 2005

PATENT

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 4A and 4B and replaces the original sheet that included those figures.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

1. Drawings

The drawing sheet containing Figs. 4A and 4B has been amended to overcome the objection made to the drawings. Reference number 300 is now included separately for the two drawings so that they are not interconnected.

2. Claims

Claims 1 – 20 have been examined. Claim 8 stands rejected under the second paragraph of 35 U.S.C. §112; Claims 1 – 5 and 8 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Pat. No. 5,277,350 (“Thornbury”); Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as unpatentable over Thornbury in view of U.S. Pat. No. 5,868,348 (“Bulman”); Claims 9 – 12, 14, and 17 – 20 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Pat. Publ. No. 2001/0029814 (“Tiano”) in view of Thornbury; Claim 13 and 15 stands rejected under 35 U.S.C. §103(a) as unpatentable over Tiano in view of Thornbury, and further in view of Bulman; and Claim 16 stands rejected under 35 U.S.C. §103(a) as unpatentable over Tiano in view of Thornbury, and further in view of admitted prior art.

Claim 8 has been canceled, thereby rendering the §112 rejection moot. The prior-art rejections are respectfully traversed.

a. Claims 1 – 7

Independent Claim 1 stands rejected over Thornbury. But Thornbury does not teach or suggest the claim limitation of “a column ... detachably engaged with the other of the proximal and distal portions.” Such detachable engagement is illustrated in the application, for

example, in Fig. 3A by providing a threaded proximal end 306 of the column 220 that engages a threaded hole 304 (*see* Application, p. 5, ll. 1 – 16). Alternative examples of detachable engagement mechanisms identified in the application include pin or clamping mechanisms (*id.*, p. 5, ll. 13 – 16). Nothing like such engagement is disclosed in Thornbury. Instead, the kite reel assembly of Thornbury is connected by coupling drive shaft 36 with drive shaft 48, extending through spool 12 (*see* Thornbury, Col. 3, ll. 7 – 19). This method of assembly results in the spool 12 merely being passively in contact with disk 14 and disk 16 being passively in contact with bushing 42; the spool 12 itself is not “detachably engaged” with either a proximal or distal portion of the kite reel assembly. The spool is effectively sandwiched by the structure but in a completely passive way, distinct from the claim limitation requiring detachable *engagement*.

For these reasons, independent Claim 1 is believed to be patentable over the cited art. The claims that depend therefrom are believed also to be patentable by virtue of their dependence from patentable claims.

b. Claims 9 – 20

The Office Action acknowledges that Tiano fails to teach or suggest the limitation of Claim 9 requiring “separating one of the flanges from the column to release the spooled filament” (Office Action, p. 5, ll. 17 – 19). It also acknowledges that Tiano fails to teach or suggest the limitation of Claim 17 requiring a “means for removing the means for confining to release the spooled filament from the longitudinal region” (Office Action, p. 8, ll. 7 – 8). The Office Action instead proposes to combine the teachings of Tiano with the teachings of Thornbury.

Tiano is directed to a tool for ripping a ripcord from a cable (Tiano, ¶1). Thornbury is directed to a very different type of tool, namely a kite reel assembly (Thornbury, Col. 1, ll. 5 – 9). While the tool of Tiano would be used in industrial or construction settings, the tool of Thornbury is clearly intended for use in a recreational endeavor. It is respectfully believed that no adequate motivation has been provided for combining the teachings of these two references. *See* MPEP 2143. In particular, no reasoning has been provided why one of skill in

the art using a tool intended to rip a ripcord from a cable would be motivated to consult a reference describing how to spool string or cord in recreational kite-flying sessions. It is certainly not conventional for those engaging in industrial or construction arts to consult recreational arts such as kite-flying when considering improvements to their devices.

Furthermore, it is not even apparent how the teachings may be combined. The tool described in Tiano is not adapted to separate a flange from a column to release spooled filament and the Office Action provides no suggestion how to modify the structure shown in Tiano to do so. There is no readily apparent modification to be made to the tool to provide it with such a capability. It appears that the Office Action instead proposes to use the kite-reel assembly of Thornbury itself in performing the cord ripping described in Tiano. But there is no reasonable expectation that a device designed to spool "string or cord" used in flying kites (Thornbury, Col. 1, l. 8) would be suitable for ripping a "high-strength material having a suitable denier" from a cable (Tiano, ¶3). Indeed, it would be more natural to expect that the Thornbury tool would be inadequately rugged to rip high-strength ripcords absent some more specific teaching of its suitability for that function. Since the Office Action has identified no such teaching, it is respectfully believed that independent Claims 9 and 17 are patentable over the cited art. It is perhaps also worth additionally noting that when Tiano does describe the use of other tools in combination with its ripcord tool, it refers to such rugged tools as a "ratchet drier[✓] or cable stripper" (Tiano, ¶18), not to recreational tools used in flying kites.

It is further believed that each of the claims that depends from either of independent Claims 9 or 17 is also patentable by virtue of its dependence from a patentable claim.

CONCLUSION

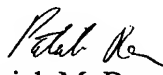
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/686,546
Amdt. dated August 17, 2005
Reply to Office Action of July 26, 2005

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
Attachments
PMB:pmb

60562622 v1

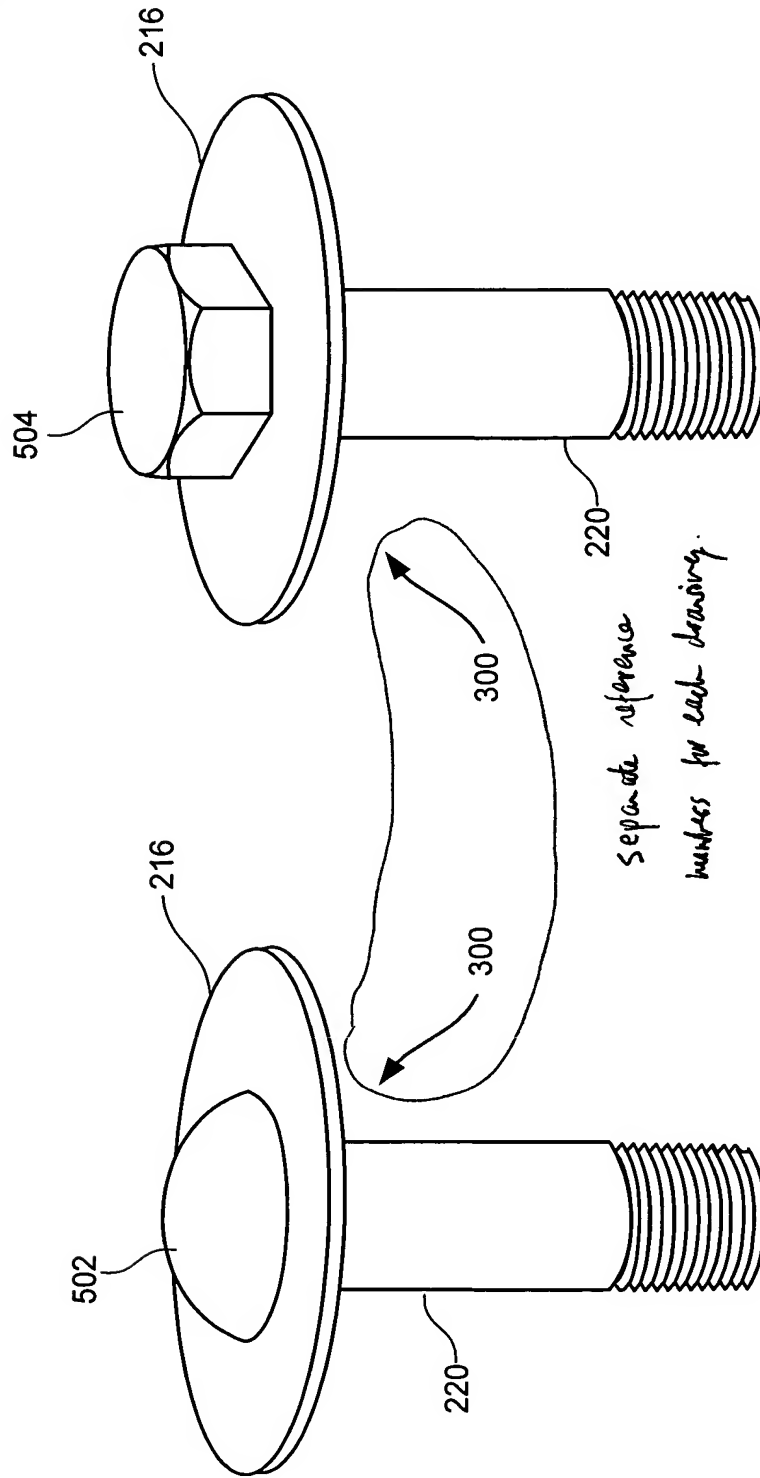


FIG. 4A

FIG. 4B